

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.10785 of 1995

Between:

M/s.J.D.Leasing Ltd., 4-1-825, Jawaharlal Nehru Road, Hyderabad.

...PETITIONER

AND

The District Registrar and Collector, Under Indian Stamp Act, Nizamshahi Road,
Hyderabad.

...RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue notice call for records and quash and set aside the impugned proceedings vide Notice No.1/sec.73/95, dt. 20-5-95 issued by the District Registrar and Collector under Indian Stamp Act, Hyderabad, by issuing a writ of certiorari or any other appropriate writ or order or direction as the Hon'ble Court may deems fit and proper in the circumstances of the case and to allow the writ petition with costs.

Counsel for the Petitioner: MR.P.Nageswarasree

Counsel for the Respondent: GP FOR REVENUE

The Court made the following :

ORDER:

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Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

In this writ petition the petitioner seeks to assail the impugned orders dated 20.05.1995 passed by the respondent herein, whereunder in exercise of powers conferred under Section 73 of the Indian Stamp Act read with Section 5 of the Act the levy was made towards stamp duty and penalty. Before going into any other question, which was sought to be raised, it is now submitted that the said provision as amended by A.P.Act 17 of 1986 was challenged in this Court in a batch of writ petitions and this Court held the same as ultra vires of the provisions of the Indian Stamp Act.

Having regard to the same, I am of the opinion that the matter necessarily requires fresh consideration on merits and disposal in accordance with law. Therefore, the writ petition is allowed and the impugned order is set aside. The respondents are directed to pass fresh orders after giving notice if warranted by law.

09.06.2005

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Copy To:

1. The District Registrar and Collector, Under Indian Stamp Act, Nizamshahi Road, Hyderabad.
2. Two CCs to GP for Revenue, High Court Buildings, Hyderabad (OUT).
3. Two CD copies.